

DEPARTMENT OF FINANCE AND ADMINISTRATION

ADMINISTRATIVE MEMORANDUM

300.28 TITLE: Witness, Juror or Party Litigant Fees
ISSUING OFFICE: DFA Director's Office (Page 1 of 1 page)
DISTRIBUTION THROUGH: All DFA Employees (LEVEL)
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The policy of the Department of Finance and Administration with regard to witness, juror or party litigant fees and reimbursements is as follows:

- I Pursuant to Ark. Code Ann. § 21-4-213, a Department of Finance and Administration (DFA) employee serving as a juror in a state or federal court is entitled to retain court fees or reimbursement for necessary services or appearances and such services or necessary appearances in any court will not be counted as annual leave.
- II A DFA employee, subpoenaed as a witness to give a deposition or testimony in state or federal court, at a hearing or before any body with power to issue a subpoena, is entitled to his or her salary if the employee is a witness in a matter that is:
 - a. within the employee's scope of employment, or
 - b. outside the employee's scope of state employment and the employee is either not serving as a paid expert witness or is not a party to the matter.
- III The DFA employee is required to take annual leave to attend the deposition, hearing or appear in court only if the matter is outside of the employee's scope of state employment and the employee is serving as a paid expert witness or is a party to the matter.
- IV Pursuant to Ark. Code Ann. § 16-43-806, a DFA employee serving as a witness to give a deposition or testimony in state or federal court, at a hearing or before any body with power to issue a subpoena, is entitled to retain his or her witness fees that may be tendered to him or her under state or federal law or court rules only if the matter is:
 - a. outside the employee's scope of state employment, or
 - b. the employee is a party to the matter other than as a representative of the state employer.
- V A DFA employee is entitled to retain any mileage fees that may be tendered to him or her under state or federal law or court rules only if:
 - 1.
 - a. the matter is within the employee's scope of state employment:
 - b. the employee uses a personal vehicle for travel in obeying the subpoena, and
 - c. the employee's employer does not reimburse the employee for travel expenses, or
 - 2. the matter is outside the employee's scope of state employment and the employee does not use a state-owned vehicle for travel in obeying the subpoena.
- VI If the DFA employee is subpoenaed as a witness to give a deposition or testimony in state or federal court, at a hearing or before any body with power to issue a subpoena on a non-work day, the employee may retain any witness and mileage fees tendered to him or her.